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In re Application of
Aikawa
Application No. 09/635,109
Filed: August 9, 2000
Attorney Docket No. 14998-230

Decision on Petition

OFFICE OF PETITIONS

This is a decision on the petition under 37 CFR 1.137(a), filed November 26, 2004, to revive the above-identified application. The petition is also being treated under 37 CFR 1.181 (no fee) as a petition to withdraw the holding of abandonment.

The petition is under 37 CFR 1.181 is **granted**.

The petition under 37 CFR 1.137(a) is **dismissed as moot**.

The above-identified application became abandoned for failure to submit formal drawings and the issue fee in a timely manner in reply to the Notice of Allowability and Notice of Allowance mailed January 29, 2002. Accordingly, the above-identified application became abandoned on April 30, 2002. A Notice of Abandonment was mailed on May 31, 2002.

Petitioner has established to the satisfaction of the Office that the Notice of Allowance, Notice of Allowability, and Notice of Abandonment were not received by petitioner.

The Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

Since the petition has been granted under 37 CFR 1.181, the petitioner's request to have the petition considered under 37 CFR 1.137(a) is dismissed as moot. No petition fee is required for a petition to withdraw holding of abandonment under 37 CFR 1.181. The petition fee of \$130 charged to petitioner's deposit account will be credited back to the deposit account.

A terminal disclaimer has been filed which effectively disclaims none of the term since the period of abandonment is 0 days. A fee of \$110 was charged for the terminal disclaimer. The \$110 fee will be credited to petitioner's deposit account.

The Office of Publications will be informed of the instant decision so that it may begin to take steps to process the application into a patent.

Telephone inquiries should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven Brantley
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Office of Petitions